

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 979 of 2015 (V)

PETITIONER:

SHAKEER P.M AGED 35 YEARS
S/O.MUHAMMED, PARAYAMKUDY, MUDICKAL.P.O.
PALLIPRAMKARA, MARAMPILLY VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT.

BY ADVS.SRI.C.M.NAZAR
SRI.MANSOOR.B.H.

RESPONDENTS:

1. THAHSILDHAR
KUNNATHUNADU,
KUNNATHUNADU TALUK OFFICE
PERUMBAVOOR.
2. DEPUTY TAHSILDHAR
REVENUE RECOVERY,
TALUK OFFICE,
KUNNATHUNADU
PERUMBAVOOR.
3. VILLAGE OFFICER
VENGOLA VILLAGE,
KUNNATHUNADU,
ERNAKULAM DISTRICT.

R1-R3 BY ADV. GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1- A COPY OF THE TAX RECEIPT DATED 14.11.2014 OF VENGOLA VILLAGE.

P2- A TRUE COPY OF THE NOTICE BEARING D4-7312/12 DATED 13.11.2014 ISSUED BY THE FIRST RESPONDENT.

P3- A TRUE COPY OF THE REPLY DATED 21.11.2014 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.

P4- A TRUE COPY OF THE REPLY FURNISHED BY AKSHAYA KENDRA THROUGH ONLINE BY THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.A. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.979 OF 2015

Dated this the 27th day of January, 2015

J U D G M E N T

The petitioner, who is stated to be the absolute owner in possession of 05.88 and 06.17 Ares of land and building, in Survey Nos.199/22 and 199/23 of Vengola Village, Kunnathunadu Taluk, Ernakulam District, is aggrieved by the inaction on the part of the third respondent in issuing a possession certificate to the petitioner in respect of the lands over which he has possession. The writ petition is filed seeking to quash Ext.P4 communication by which the petitioner was informed that, in so far as Revenue Recovery proceedings were pending in respect of the lands in question, the possession certificate in respect of the said lands could not be issued.

2. I have heard Sri.C.M.Nazar, the learned counsel appearing for the petitioner as also Sri.Sobha Annamma Eappen, the learned Government Pleader appearing for the respondents.

3. The learned Government Pleader would submit, on instructions, that Revenue Recovery proceedings for recovery of sales tax, that was due from the erstwhile owner of the land, is currently underway and further, proceedings have also been initiated for cancelling the sale effected in favour of the petitioner. It is contended, therefore, that the possession certificate cannot be granted to the petitioner.

4. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I am of the view that in as much as the application made by the petitioner is for a possession certificate in respect of the lands over which he is having possession, the third respondent shall, after an inspection, and if the petitioner is found to be in possession of the lands in question, issue a possession certificate to the petitioner in respect of the said lands. I make it clear, however, that the third respondent shall, while issuing a possession certificate, also endorse thereon the fact that there are proceedings pending in respect of the said lands. The third respondent shall do the needful within a period of two weeks

from the date of receipt of a copy of this judgment.

5. Counsel for the petitioner would submit that, in respect of the proceedings initiated by the first respondent, as evidenced by Ext.P2 notice, hearing was afforded to the petitioner on 2.12.2014 and the petitioner had attended the hearing and made his submissions. Thereafter, he had also filed Ext.P3 representation before the first respondent. It is his submission that in so far as the hearing is already over, the first respondent ought not to delay passing of orders in the matter. Accordingly, while disposing the writ petition, I also direct the first respondent to pass appropriate orders in the proceedings initiated by Ext.P2, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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